

Vote Record

Assembly Committee on Transportation

Date: 12-2-99
 Moved by: Hahn Seconded by: Huebsch
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: 149 Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- ☐ Passage
☐ Introduction
☐ Adoption
☐ Rejection

- ☐ Indefinite Postponement
☐ Tabling
☒ Concurrence
☐ Nonconcurrence
☐ Confirmation

Committee Member

Rep. David Brandemuehl Chair
 Rep. Jeff Stone
 Rep. Eugene Hahn
 Rep. Michael Huebsch
 Rep. Steve Kestell
 Rep. Joseph Leibham
 Rep. Jerry Petrowski
 Rep. Scott Suder
 Rep. John Townsend
 Rep. Julie Lassa
 Rep. Donald Hasenohrl
 Rep. Barbara Gronemus
 Rep. Robert Turner
 Rep. Leon Young
 Rep. John Steinbrink
 Rep. Larry Balow
 Rep. Gary Sherman

Aye	No	Absent	Not Voting
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Totals: 15 2

☐ Motion Carried

☐ Motion Failed



BILL SUMMARY

SB 149: Unlicensed Dealer Violation Bill

Date: March 30, 2000

BACKGROUND

Under current law, all motor vehicle dealers and salespersons are required to be licensed by the DOT. In addition, all sales finance companies are required to be licensed by the Department of Financial Institutions Division of Banking. Failure to comply with any of these licensing requirements may result in a fine of \$500-\$5,000.

This penalty had been increased by 1997 Act 120, which was supported by the DOT, in order to encourage more people acting as dealers and salespersons to become licensed. However, that legislation made the penalty a "fine" and thus, made the violation a crime. DOT's dealer licensing section has since found that district attorneys are reluctant to complete a criminal complaint and prosecute unlicensed motor vehicle dealing as a crime – they have higher priorities in the list of crimes. As a result, what was intended as an aid to enforcement has turned out to have adverse consequences.

SUMMARY OF SB 149

Senate Bill 149 would restore the penalty for unlicensed dealer activity to a forfeiture instead of a fine.

FISCAL EFFECT

No fiscal estimate was prepared for SB 149.

PROS

1. SB 149 would restore DOT's ability to enforce unlicensed dealer activity.

CONS

1. None apparent.

SUPPORTERS

Sen. Roger Breske, author, Rep. David Brandemuehl, lead co-sponsor; Gary Williams, WI Auto and Truck Dealers Association; Vikki VanDeventer, WisDOT; and Carson Frazier, WisDOT.

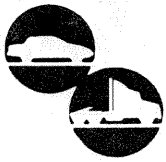
OPPOSITION

No one testified or registered in opposition to SB 149.

HISTORY

Senate Bill 149 was introduced on May 11, 1999, and referred to the Senate Committee on Insurance, Tourism, Transportation and Corrections. On May 27, 1999, the Committee voted 7-0-0 to recommend SB 149 for passage. On November 9, 1999, the Senate passed SB 149 on a voice vote. Senate action on SB 149 was messaged to the Assembly, and SB 149 was referred to the Assembly Committee on Transportation. A public hearing was held on November 18, 1999. On December 2, 1999, the Committee voted 15-0-2 [Reps. Steinbrink and Young were absent] to recommend concurrence of SB 149.

CONTACT: Sheri Krause, Office of Rep. David Brandemuehl



Wisconsin Automobile & Truck Dealers Association

GARY D. WILLIAMS
President

150 E. Gilman Street — Level A
Madison, WI 53703
(608) 251-5577 FAX: 251-4379

Mailing Address:
P.O. Box 5345, Madison, WI 53705-0345
www.watda.org

To: The Members of the Wisconsin State Assembly.

From: Mary Ann Gerrard, General Counsel, Wisconsin Automobile and Truck Dealers
Association. *MAG*

Re: Assembly Calendar for March 30, 2000, Senate Bill 149, Relating to the Licensing
of Motor Vehicle Dealers.

Date: March 30, 2000.

Today the Assembly will be considering Senate Bill 149, authored by Senator Roger Breske and co-authored by Representative David Brandemuhl. This bill will give the Department of Transportation law enforcement authority to issue citations to motor vehicle dealers that operate outside the law. (Senate Bill 149 was passed by the full Senate and the Assembly Transportation Committee on unanimous votes.)

Last session, 1997 Wisconsin Act 120 was passed to increase the penalty for operating as an unlicensed motor vehicle dealer by changing the penalty to a fine from a forfeiture. While the legislation was well intended, by changing the penalty to a fine it inadvertently made the law more difficult to enforce. According to the Division of Motor Vehicles, investigators have found district attorneys reluctant or unwilling to complete a criminal complaint and prosecute unlicensed dealings as a crime given the burdens already placed on their offices. Restoring the penalty to a forfeiture from a fine will give the DOT enforcement authority to issue citations to those dealers who are operating outside the law while reducing the related burdens on district attorneys. The forfeitures would be at the same level of the current fines, that being, \$500 - \$5,000.

Wisconsin Automobile and Truck Dealers would appreciate your support on this legislation that is so important to our industry. Thank you.



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

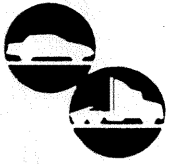
DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P.O. Box 7949
Madison, WI 53707-7949

Senate Committee on Insurance, Tourism, Transportation and Corrections
Hearing Comments
Carson P. Frazier
May 19, 1999

SB 149: *Change the term "fine" to "forfeiture" in penalty for unlicensed dealer violation*

- Just one year ago, 1997 AB 513 became 1997 Act 120.
- This bill had increased penalties for acting as a motor vehicle dealer without having a dealer's license.
- The purpose of the law is to encourage people acting as vehicle dealers or salespersons to become licensed.
- The Department of Transportation supported that bill, because it was consistent with DOT's mandate for licensing motor vehicle dealers.
- But, because the penalty is a fine, the violation is now a crime.
- DMV's dealer licensing section has found that district attorneys are reluctant to complete a criminal complaint and prosecute unlicensed dealing as a crime – other crimes are simply far more pressing problems, from district attorneys' point of view.
- So, what we had hoped would improve our ability to enforce the dealer licensing law, actually had the unintended consequence of diminishing our ability to enforce any penalty against unlicensed dealers.
- The Department of Transportation supports SB 149 which will restore our ability to actually enforce unlicensed dealer activity.

fine 300-500



Wisconsin Automobile & Truck Dealers Association

GARY D. WILLIAMS
President

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Madison, WI 53703
(608) 251-5577 FAX: 251-4379

Mailing Address:
P.O. Box 5345, Madison, WI 53705-0345
www.watda.org

February 18, 2000

FEB 21 2000

Representative Steve Foti
P. O. Box 8952
Madison, WI 53708-8952

Re: Scheduling Senate Bill 149

Dear Representative Foti:

The Wisconsin Automobile & Truck Dealers request that Senate Bill 149 authored by Senator Breske and co-authored by Representative Brandemuehl be scheduled for the Assembly floor.

SB 149, which is currently in the Rules Committee, passed the Senate on a unanimous vote and was recommended by the Assembly Transportation Committee on a vote of 15-0.

SB 149 restores the penalty for unlicensed dealer activity to a forfeiture instead of a fine. This will give the DOT law enforcement authority to issue citations to those dealers who are operating outside the law.

Wisconsin dealers very much appreciate your help on this legislation.

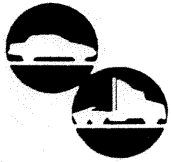
Sincerely,

Mary Ann Gerrard
Staff Attorney & Lobbyist

MAG:klm

cc: Bob Karius
Legislative Staff Rep. Foti

Representative Brandemuehl



Wisconsin Automobile & Truck Dealers Association

GARY D. WILLIAMS
President

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Madison, WI 53703
(608) 251-5577 FAX: 251-4379
Mailing Address:
P.O. Box 5345, Madison, WI 53705-0345
www.watda.org

February 18, 2000

Assembly Speaker Scott Jensen
P. O. Box 8952
Madison, WI 53708-8952

Re: Scheduling Senate Bill 149

Dear Speaker Jensen:

The Wisconsin Automobile & Truck Dealers request that Senate Bill 149 authored by Senator Breske and co-authored by Representative Brandemuehl be scheduled for the Assembly floor.

SB 149, which is currently in the Rules Committee, passed the Senate on a unanimous vote and was recommended by the Assembly Transportation Committee on a vote of 15-0.

SB 149 restores the penalty for unlicensed dealer activity to a forfeiture instead of a fine. This will give the DOT law enforcement authority to issue citations to those dealers who are operating outside the law.

Wisconsin dealers very much appreciate your help on this legislation.

Sincerely,

Mary Ann Gerrard
Staff Attorney & Lobbyist

MAG:klh

cc: Brett Healy
Legislative Aide

Representative Brandemuehl



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P.O. Box 7949
Madison, WI 53707-7949

**Assembly Transportation Committee
Hearing Comments
Vikki VanDeventer
November 18, 1999**

SB 149: Change the term "fine" to "forfeiture" in penalty for unlicensed dealer violation

- Just over one year ago, 1997 AB 513 became 1997 Act 120.
- This bill had increased penalties for acting as a motor vehicle dealer without having a dealer's license.
- The purpose of the law is to encourage people acting as vehicle dealers or salespersons to become licensed.
- The Department of Transportation supported that bill, because it was consistent with DOT's mandate for licensing motor vehicle dealers.
- But, because the penalty is a fine, the violation is now a crime.
- DMV's dealer licensing section has found that district attorneys are reluctant to complete a criminal complaint and prosecute unlicensed dealing as a crime – other crimes are simply far more pressing problems, from district attorneys' point of view.
- So, what we had hoped would improve our ability to enforce the dealer licensing law, actually had the unintended consequence of diminishing our ability to enforce any penalty against unlicensed dealers.
- The Department of Transportation supports SB 149 which will restore our ability to actually enforce unlicensed dealer activity.

Krause, Sheri

From: Frazier, Carson
Sent: Wednesday, November 17, 1999 6:43 AM
To: Krause, Sheri; Cook, Robert
Cc: Clark, Julie
Subject: SB 149

Sheri: Julie Clark sent me your voice mail (isn't technology great?) saying that you're planning to hear SB 149 tomorrow. We support the bill, which Senator Breske introduced at the request of Wisconsin Automobile and Truck Dealers Association.

The situation is this: 1997 Act 120 increases penalties for acting as a dealer without a dealer license -- and we had supported the legislation. The purpose of that bill was to encourage people to become licensed. But, the bill made the penalty a "fine" which made the violation a crime. DOT's dealer licensing section has found that District Attorneys are reluctant to complete a criminal complaint and prosecute unlicensed motor vehicle dealing as a crime -- they have higher priorities in the list of crimes. So, what we'd hoped for as an aid to enforcement turned out to have adverse unintended consequences.

SB 149 makes the penalty a "forfeiture" which we believe will restore our ability to enforce acting as a dealer without a license.

We'll be at the hearing to testify in support, and of course I'm sure WATDA would want to testify, as it's their bill. I believe we and WATDA were the only testimony at the Senate hearing.

History of Senate Bill 149

SENATE BILL 149

An Act to amend 218.01 (2) (a) of the statutes; relating to: the licensing of motor vehicle dealers, motor vehicle salespersons and sales finance companies and providing a penalty.

1999

05-11.	S. Introduced by Senators Breske and Welch; cosponsored by Representatives Brandemuehl, Ryba, Vrakas and Huber.	
05-11.	S. Read first time and referred to committee on Insurance, Tourism, Transportation and Corrections	
05-19.	S. Public hearing held.	141
05-27.	S. Executive action taken.	
06-10.	S. Report passage recommended by committee on Insurance, Tourism, Transportation and Corrections, Ayes 7, Noes 0	175
06-10.	S. Available for scheduling.	
11-09.	S. Read a second time	332
11-09.	S. Ordered to a third reading	332
11-09.	S. Rules suspended	332
11-09.	S. Read a third time and passed	332
11-09.	S. Ordered immediately messaged	335
11-10.	A. Received from Senate	542
11-10.	A. Read first time and referred to committee on Transportation	542
11-18.	A. Public hearing held.	
12-02.	A. Executive action taken.	
12-13.	A. Report concurrence recommended by committee on Transportation, Ayes 15, Noes 0	573
12-13.	A. Referred to committee on Rules	573
2000		
03-30.	A. Placed on calendar 3-30-2000 by committee on Rules.	

Text of Senate Bill 149

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